

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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HOWARD MANKOFF, ESQ. (HM 9083)  
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ATTORNEYS FOR DEFENDANT - JH Beers, Inc.

RUDOLPH JEZERCAK

Plaintiff,

v.

TIREENERGY CORP.

Defendant/Third Party Plaintiff,

and

J.H. BEERS, INC. and ACTIVE TANK  
SERVICE D/B/A ACTIVE OIL SERVICES,  
INC.

Third Party Defendant(s),

CIVIL ACTION NO.:01 CV 03438 (WJM)

**NOTICE OF MOTION**

TO: Clerk, William T. Walsh  
United States District Court  
District of New Jersey  
MLK Federal Bldg. & US Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

David Maran, Esq.  
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Attorney for Plaintiff, Rudolph Jezercak

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Attorney for Defendant/Third-Party Plaintiff, Tirenergy Corp

David R. Cosgrove, Esq.  
Stevens & Schwab  
One Harmon Plaza  
Secaucus, New Jersey 07094  
Attorney for Third-Party Defendant, Active Tank Services, Inc.

PLEASE TAKE NOTICE that on May \_\_\_\_, 2004 the undersigned, Howard Mankoff, Esq. of Marshall, Dennehey, Warner, Coleman & Goggin, counsel for defendant, J.H. BEERS, INC., shall apply to the United States District Court, District of New Jersey, Newark, New Jersey for an Order granting defendant summary judgment and dismissing the plaintiff's Complaint with prejudice.

PLEASE TAKE NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that the undersigned shall rely upon the brief and certification attached hereto in support of said application. A proposed form of Order is annexed hereto.

Calendar Call: None  
Conference: May 4, 2004  
Trial Date:

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN

By: s/ Howard Mankoff  
HOWARD MANKOFF, ESQ.

Dated: April 16, 2004  
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